

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OHENE BOAYKE-YIADOM,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL SECURITY,  
Defendant.

Case No.: 4:13-cv-3076 KAW  
ORDER GRANTING IN PART  
PLAINTIFF'S MOTION FOR A COURT-  
APPOINTED ATTORNEY

Plaintiff Ohene Boakye-Yiadom proceeds pro se in this social security case. On July 19, 2013, he filed a motion requesting that the Court appoint him an attorney.

In general, there is no right to appointed counsel in a civil action. *See United States v. McQuade*, 579 F.2d 1180, 1181 (9th Cir. 1978). The Court, in its discretion, may appoint counsel under 28 U.S.C. § 1915(e)(1) if it finds that there are “exceptional circumstances.” *Agyeman v. Corrs. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional circumstances” exist, the Court evaluates the plaintiff's likelihood of success on the merits, and the plaintiff's ability to articulate his or her claims in light of the complexity of the legal issues involved in the case. *Id.*

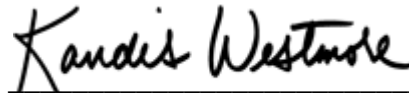
Here, there is no indication that Plaintiff will be successful on the merits of the case. Plaintiff appears to be appealing the denial of SSI benefits. It appears that an ALJ determined that Plaintiff was not eligible to receive SSI benefits because he was neither a United States citizen nor an eligible alien. *See* Dkt # 1, Ex. 1. Although Plaintiff has not yet filed his motion for summary judgment, his complaint does not explain why the ALJ's decision was 1) based on legal error or 2) not supported by substantial evidence in the record as a whole. 42 U.S.C. § 405(g).

1 The legal issues involved in this case do not appear to be complex. Judging from his  
2 filings thus far, the difficulty Plaintiff may encounter in articulating his claims is focusing on the  
3 issue in this case—whether the ALJ's decision to deny him SSI benefits based on his alien status  
4 was based on legal error or not supported by substantial evidence.

5 Because Plaintiff's case does not appear meritorious, the Court finds the "exceptional  
6 circumstances" test is not met. However, Plaintiff's motion is granted in part, as the Court will  
7 refer him to the Federal Pro Bono Project for free limited legal assistance. Plaintiff may contact  
8 the Federal Pro Bono Project by calling the appointment line at (415) 782-8982, or signing up for  
9 an appointment in the appointment book located outside the door of the Project, in the San  
10 Francisco courthouse on the 15<sup>th</sup> Floor, Room 2796. Appointments are held Monday through  
11 Friday at various times throughout the day. Plaintiff can speak with an attorney who will provide  
12 basic legal help, but not legal representation.

13 It is so ORDERED.

14  
15 Dated: July 29, 2013

16  
17 

18 KANDIS A. WESTMORE  
19 UNITED STATES MAGISTRATE JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28